

AG Contract No.: KR04-0950TRN
ADOT ECS File No.: JPA 04-012
Amendment-One
Project No.: CM-MES-0(028)
Project: Pave Dirt Roads
Section: Various Locations
TRACS No.: SS565 01C
Budget Source Item No.: N/A

**INTERGOVERNMENTAL AGREEMENT
AMENDMENT-ONE**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF MESA

THIS AGREEMENT is entered into November 23, 2005, Amendment One to JPA 04-012, AG Contract No. KR04-0950TRN filed with the Secretary of State under No. 27281 pursuant to Arizona Revised Statutes, § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF MESA, ARIZONA, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

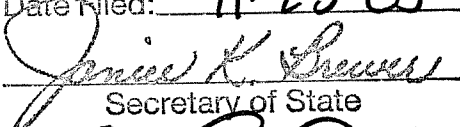
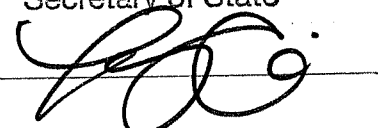
1. The State is empowered by Arizona Revised Statutes § 28-401 and § 28-334 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. Congress has authorized appropriations for, but not limited to, the construction of streets and primary, feeder and farm-to-market roads; the replacement of bridges; the elimination of roadside obstacles; and the application of pavement markings.

THE PURPOSE OF THIS AMENDMENT is to adjust the original amount for chip seal treatment of various roadways as shown on Exhibit A, attached hereto and made a part hereof as indicated in paragraph 7.

THEREFORE, in consideration of the mutual Agreement expressed herein, this Agreement is amended as follows:

NO. 27849
Filed with the Secretary of State
Date Filed: 11-23-05

Secretary of State
By: 

The following language shall replace Recital 7.

7. The estimated costs for this Agreement are listed below for chip seal treatments in various locations show on the attached Exhibit A.

TRACS No. SS565 01C

Federal-Aid funds @ 94.3% of 625,000.00(capped)	\$589,375.00
City Funds @ 5.7% of 625,000.00(capped)	<u>\$ 35,625.00</u>

*** Total Estimated Cost of the Project** **\$625,000.00**

***(Includes 15% CE and 5% project contingencies)**

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

CITY OF MESA

STATE OF ARIZONA

Department of Transportation

By

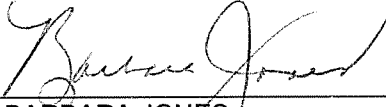

MICHAEL HUTCHINSON
City Manager

By


for SUSAN TELLEZ
Contract Administrator

ATTEST

By


BARBARA JONES
City Clerk



RESOLUTION NO. 8608

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. ONE TO AN INTERTGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF MESA FOR THE PAVEMENT OF DIRT ROADS AT VARIOUS LOCATIONS THROUGH OUT MESA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, AS FOLLOWS:

Section 1: That Amendment Number One to a cost sharing agreement between the State of Arizona Department of Transportation and the City of Mesa for the pavement of dirt roads at various locations through out the City of Mesa (ADOT JPA No. 04-012); is hereby approved.

Section 2: That the City Manager, Michael T. Hutchinson, or his designated representative, is authorized and directed to execute the agreement on behalf of the City of Mesa, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 24 day of October, 2005.



APPROVED:

Reno Hawker
Mayor

ATTEST:

Barbara Jones
City Clerk

APPROVAL OF THE CITY OF MESA ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF MESA, an agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 14th day of Nov., 2004.

Debin Spurrer

City Attorney



TERRY GODDARD
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
Writer's Direct Line: 602.542.8855
Facsimile: 602.542.3646
E-mail: Susan.Davis@azag.gov

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. 04-0950TRN (**JPA 04-012, Amendment-One**), an Agreement between public agencies, i.e., The State of Arizona and The City of Mesa, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: November 15, 2005

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:934662
Attachment